



Rep. Theresa Mah

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1 AMENDMENT TO SENATE BILL 2123

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2123 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Declaration of policy and intent. Section  
5 14(c) of the Fair Labor Standards Act includes provisions for  
6 the payment of subminimum wages to individuals with  
7 disabilities. Among those who have worked for subminimum wages  
8 in Illinois are people with intellectual, developmental,  
9 physical, and sensory disabilities, including those who are  
10 blind or deaf or are diagnosed with cerebral palsy, spina  
11 bifida, Down syndrome, or any other disability. This program  
12 has resulted in a national average wage of approximately \$3  
13 per hour for disabled workers who have engaged in work  
14 activities under a 14(c) wage certificate.

15 Data released in October 2022 from the United States  
16 Department of Labor shows that Illinois ranks second in the  
17 nation in the number of 14(c) certificates issued or pending,

1 with several thousand Illinois residents with disabilities  
2 engaged in activities compensated below minimum wage. These  
3 activities most often occur in congregate work centers (also  
4 known as sheltered workshops) which isolate and segregate  
5 people with disabilities from the greater community.

6 The Illinois Employment First Act stipulates that  
7 "competitive and integrated employment shall be considered the  
8 first option when serving persons with disabilities of working  
9 age." Across the United States, significant action has  
10 curtailed or eliminated 14(c) certificates and segregated work  
11 centers. Simultaneously, society has progressed far beyond the  
12 severely limited Great Depression vision of employment of  
13 people with disabilities under the Fair Labor Standards Act.  
14 Today, people with disabilities hold a wide variety of jobs,  
15 with and without disability supports.

16 Collaborative partnerships between State agencies shall  
17 result in development and implementation of a plan to phase  
18 out all subminimum wage activity in the State of Illinois.

19 Section 5. The Department of Human Services Act is amended  
20 by adding Sections 1-85 and 1-90 as follows:

21 (20 ILCS 1305/1-85 new)

22 Sec. 1-85. 14(c) certificate phase-out plan; Transition  
23 Grant Fund.

24 (a) The Department, in partnership with other State

1 agencies, including the Department of Labor, the Department of  
2 Healthcare and Family Services, the Department of Central  
3 Management Services, the Department of Commerce and Economic  
4 Opportunity, the Department of Employment Security, and the  
5 State Board of Education, shall phase out, on or before June  
6 30, 2026, the use of active or pending 14(c) certificates  
7 authorized under the Fair Labor Standards Act, as well as  
8 authorizations permitted under Sections 5 and 10 of the  
9 Minimum Wage Law to pay an employee with a disability less than  
10 the minimum wage otherwise required for employees under  
11 Section 4 of the Minimum Wage Law.

12 (b) The phase-out plan shall include all of the following:

13 (1) The use of Medicaid funding to support subminimum  
14 wage work payments shall be prohibited.

15 (A) Subminimum wage activities that remain after  
16 the effective date of this amendatory Act of the 103rd  
17 General Assembly shall sustain solely on the revenue  
18 of the contracts entered into between the respective  
19 businesses' subletting labor, goods, and services from  
20 14(c) certificate holders - not billing for community  
21 day services.

22 (B) Billing to the Department shall be prohibited  
23 under the following services:

24 (i) Community Day Services (Waiver).

25 (ii) Developmental or Day Training (State  
26 developmental center).

1                   (iii) Developmental or Day Training  
2                   (intermediate care facility for persons with  
3                   developmental disabilities licensed under the  
4                   ID/DD Community Care Act).

5                   (iv) Any other service related to the  
6                   supervision and support of individuals with  
7                   developmental disabilities who are engaged in  
8                   activities which result in subminimum wage  
9                   payments.

10                   (2) New referrals to, and admissions into, programs  
11                   which offer subminimum wage shall be prohibited. Referrals  
12                   to non-subminimum wage activity programs within agencies  
13                   that hold a 14(c) certificate shall continue.

14                   (3) Applications by agencies for new, or renewal of  
15                   existing, 14(c) certificates from the Department of Labor  
16                   shall be prohibited beginning July 1, 2024. The Department  
17                   and the Department of Labor shall not accept 14(c)  
18                   certificates from the U.S. Department of Labor effective  
19                   July 1, 2024. An escalating wage floor for individuals  
20                   engaged in subminimum wage activity may be established by  
21                   rule. Authority to pay a worker with disabilities less  
22                   than the minimum wage shall end by July 1, 2026.

23                   (4) The Department shall develop and implement annual  
24                   data collection requirements for community agencies with  
25                   active or pending 14(c) certificates for all individuals  
26                   participating in subminimum wage activity through their

1       agency.

2           (5) Community agencies with active or pending 14(c)  
3       certificates shall be required to complete a provider  
4       transition plan that shall be developed by the Department.

5           (6) The Department shall establish a tracking process  
6       and transition benchmarks to monitor the progress of  
7       community agencies with an active or pending 14(c)  
8       certificate from subminimum wage to alternative  
9       activities.

10          (7) The Department shall review and make updates to  
11       any intake, screening, and service planning processes to  
12       ensure individuals with disabilities entering, or  
13       currently being served within, the service delivery system  
14       are diverted from subminimum wage activity. This shall  
15       include individuals in waiver-funded services,  
16       intermediate care facilities for persons with  
17       developmental disabilities, State developmental centers,  
18       and youth exiting school programs.

19          (8) The Department's Division of Rehabilitation  
20       Services and its Vocational Rehabilitation program shall  
21       establish processes and associated funding, as needed, to  
22       accommodate increased referrals of individuals with  
23       disabilities from subminimum wage activities.

24          (9) The Department shall develop and implement  
25       provider training and make other provider resources  
26       available related to the transition from subminimum wage

1 to competitive integrated employment, including, but not  
2 limited to, employment best practices, communication  
3 strategies, benefits planning, transportation, business  
4 engagement and state agency policy. The provider training  
5 and resources shall be done in partnership with other  
6 State agencies and entities directly involved in working  
7 with individuals with disabilities who may be utilizing  
8 subminimum wage activities.

9 (10) As needed, the Department shall create new  
10 supported employment service codes and request funding to  
11 be used for the service codes, specific to competitive  
12 integrated employment supports for individual and group  
13 employment, applicable to individuals who reside in State  
14 developmental centers and intermediate care facilities for  
15 persons with developmental disabilities.

16 (11) The Director of Labor and the Secretary of Human  
17 Services shall jointly submit reports to the Governor and  
18 the General Assembly on the benchmarks and status of  
19 achieving the outcomes included in the phase-out plan and  
20 recommendations for funding levels or other resources  
21 necessary to implement the phase-out plan. The first  
22 report shall be due January 1, 2025, and subsequent  
23 reports shall be submitted annually thereafter for 5  
24 years. After the January 1, 2029, report, the annual  
25 reporting requirement shall sunset.

26 (c) 14(c) Transition Grant Fund.

1           (1) The 14(c) Transition Grant Fund is created as a  
2           special fund in the State treasury. Moneys in the Fund  
3           shall be used, subject to appropriation, by the Department  
4           for community agencies with active or pending 14(c)  
5           certificates to aid in the transition away from subminimum  
6           wages for employees with disabilities. The goal of the  
7           14(c) Transition Grant Fund is to develop new  
8           opportunities and programs and grow capacity to respond to  
9           the needs of individuals with disabilities in their  
10           geographic area, such as supported employment programs and  
11           diverse day programs that support meaningful days, choice,  
12           and community integration. The Fund may be used to provide  
13           wage subsidies to employers who offer integrated work  
14           options to workers with disabilities who previously  
15           labored for subminimum wages.

16           (2) The Department shall adopt rules establishing a  
17           process for the equitable and transparent administration  
18           of the Fund.

19           (20 ILCS 1305/1-90 new)

20           Sec. 1-90. Subminimum Wage Transition Task Force. The  
21           Subminimum Wage Transition Task Force is created within the  
22           Department to (i) provide guidance, leadership, and  
23           recommendations, (ii) review progress made throughout the  
24           process, (iii) address systemwide barriers to transition, and  
25           (iv) support the community agencies to maintain and increase

1 capacity in non-subminimum wage programming. The Task Force  
2 shall be comprised of members appointed by the Secretary of  
3 the Department and shall include representatives from all of  
4 the following:

5 (1) Community agencies that are 14(c) certificate  
6 holders.

7 (2) Individuals with disabilities who have been or are  
8 engaged in subminimum wage activities.

9 (3) The Illinois Council on Developmental Disabilities  
10 and the State Rehabilitation Council.

11 (4) Advocacy organizations.

12 (5) The Department's Divisions of Developmental  
13 Disabilities and Rehabilitation Services.

14 (6) The Department of Healthcare and Family Services.

15 (7) The Illinois Task Force on Employment and Economic  
16 Opportunity for People with Disabilities.

17 Section 10. The State Finance Act is amended by adding  
18 Section 5.990 as follows:

19 (30 ILCS 105/5.990 new)

20 Sec. 5.990. The 14(c) Transition Grant Fund.

21 Section 15. The Illinois Procurement Code is amended by  
22 changing Section 45-35 as follows:

1 (30 ILCS 500/45-35)

2 Sec. 45-35. Not-for-profit agencies for persons with  
3 significant disabilities.

4 (a) Qualification. Supplies and services may be procured  
5 without advertising or calling for bids from any qualified  
6 not-for-profit agency for persons with significant  
7 disabilities that:

8 (1) complies with Illinois laws governing private  
9 not-for-profit organizations;

10 (2) is certified as a community rehabilitation  
11 provider by the Department of Human Services ~~is certified~~  
12 ~~as a work center by the Wage and Hour Division of the~~  
13 ~~United States Department of Labor or is an accredited~~  
14 ~~vocational program that provides transition services to~~  
15 ~~youth between the ages of 14 1/2 and 22 in accordance with~~  
16 ~~individualized education plans under Section 14-8.03 of~~  
17 ~~the School Code and that provides residential services at~~  
18 ~~a child care institution, as defined under Section 2.06 of~~  
19 ~~the Child Care Act of 1969, or at a group home, as defined~~  
20 ~~under Section 2.16 of the Child Care Act of 1969; and~~

21 (3) is accredited by a nationally-recognized  
22 accrediting organization or certified as a day services  
23 ~~developmental training~~ provider by the Department of Human  
24 Services.

25 (b) Participation. To participate, the not-for-profit  
26 agency must have indicated an interest in providing the

1 supplies and services, must meet the specifications and needs  
2 of the using agency, and must set a fair and reasonable price.

3 (c) Committee. There is created within the Department of  
4 Central Management Services a committee to facilitate the  
5 purchase of products and services from not-for-profit agencies  
6 that provide employment opportunities to persons with physical  
7 disabilities, intellectual or developmental disabilities,  
8 mental illnesses, or any combination thereof. This committee  
9 is called the State Use Committee. The State Use Committee  
10 shall consist of the Director of the Department of Central  
11 Management Services or his or her designee, the Secretary of  
12 the Department of Human Services or his or her designee, the  
13 Director of Commerce and Economic Opportunity or his or her  
14 designee, one public member representing private business who  
15 is knowledgeable of the employment needs and concerns of  
16 persons with developmental disabilities, one public member  
17 representing private business who is knowledgeable of the  
18 needs and concerns of rehabilitation facilities, one public  
19 member who is knowledgeable of the employment needs and  
20 concerns of persons with developmental disabilities, one  
21 public member who is knowledgeable of the needs and concerns  
22 of rehabilitation facilities, 2 members who have a disability,  
23 2 public members from a statewide association that represents  
24 community-based rehabilitation facilities serving or  
25 supporting individuals with intellectual or developmental  
26 disabilities, and one public member from a disability-focused

1 statewide advocacy group, all appointed by the Governor. The  
2 public members shall serve 2 year terms, commencing upon  
3 appointment and every 2 years thereafter. A public member may  
4 be reappointed, and vacancies shall be filled by appointment  
5 for the completion of the term. In the event there is a vacancy  
6 on the State Use Committee, the Governor must make an  
7 appointment to fill that vacancy within 30 calendar days after  
8 the notice of vacancy. The members shall serve without  
9 compensation but shall be reimbursed for expenses at a rate  
10 equal to that of State employees on a per diem basis by the  
11 Department of Central Management Services. All members shall  
12 be entitled to vote on issues before the State Use Committee.

13 The State Use Committee shall have the following powers  
14 and duties:

15 (1) To request from any State agency information as to  
16 product specification and service requirements in order to  
17 carry out its purpose.

18 (2) To meet quarterly or more often as necessary to  
19 carry out its purposes.

20 (3) To request a quarterly report from each  
21 participating qualified not-for-profit agency for persons  
22 with significant disabilities describing the volume of  
23 sales for each product or service sold under this Section.

24 (4) To prepare a report for the Governor and General  
25 Assembly no later than December 31 of each year. The  
26 requirement for reporting to the General Assembly shall be

1 satisfied by following the procedures set forth in Section  
2 3.1 of the General Assembly Organization Act.

3 (5) To prepare a publication that lists all supplies  
4 and services currently available from any qualified  
5 not-for-profit agency for persons with significant  
6 disabilities. This list and any revisions shall be  
7 distributed to all purchasing agencies.

8 (6) To encourage diversity in supplies and services  
9 provided by qualified not-for-profit agencies for persons  
10 with significant disabilities and discourage unnecessary  
11 duplication or competition among not-for-profit agencies.

12 (7) To develop guidelines to be followed by qualifying  
13 agencies for participation under the provisions of this  
14 Section. Guidelines shall include a list of national  
15 accrediting organizations which satisfy the requirements  
16 of item (3) of subsection (a) of this Section. The  
17 guidelines shall be developed within 6 months after the  
18 effective date of this Code and made available on a  
19 nondiscriminatory basis to all qualifying agencies. The  
20 new guidelines required under this item (7) by Public Act  
21 100-203 shall be developed within 6 months after August  
22 18, 2017 (the effective date of Public Act 100-203) and  
23 made available on a non-discriminatory basis to all  
24 qualifying not-for-profit agencies.

25 (8) To review all pricing submitted under the  
26 provisions of this Section and may approve a proposed

1 agreement for supplies or services where the price  
2 submitted is fair and reasonable. Review of pricing under  
3 this paragraph may include, but is not limited to:

4 (A) Amounts private businesses would pay for  
5 similar products or services.

6 (B) Amounts the federal government would pay  
7 contractors for similar products or services.

8 (C) The amount paid by the State for similar  
9 products or services.

10 (D) The actual cost of manufacturing the product  
11 or performing a service at a community rehabilitation  
12 program offering employment services on or off  
13 premises to persons with disabilities or mental  
14 illnesses, with adequate consideration given to legal  
15 and moral imperatives to pay workers with disabilities  
16 equitable wages.

17 (E) The usual, customary, and reasonable costs of  
18 manufacturing, marketing, and distribution.

19 (9) To, not less than every 3 years, adopt a strategic  
20 plan for increasing the number of products and services  
21 purchased from qualified not-for-profit agencies for  
22 persons with disabilities or mental illnesses, including  
23 the feasibility of developing mandatory set-aside  
24 contracts.

25 (c-5) Conditions for Use. Each chief procurement officer  
26 shall, in consultation with the State Use Committee, determine

1 which articles, materials, services, food stuffs, and supplies  
2 that are produced, manufactured, or provided by persons with  
3 significant disabilities in qualified not-for-profit agencies  
4 shall be given preference by purchasing agencies procuring  
5 those items.

6 (d) (Blank).

7 (e) Subcontracts. Subcontracts shall be permitted for  
8 agreements authorized under this Section. For the purposes of  
9 this subsection (e), "subcontract" means any acquisition from  
10 another source of supplies, not including raw materials, or  
11 services required by a qualified not-for-profit agency to  
12 provide the supplies or services that are the subject of the  
13 contract between the State and the qualified not-for-profit  
14 agency.

15 The State Use Committee shall develop guidelines to be  
16 followed by qualified not-for-profit agencies when seeking and  
17 establishing subcontracts with other persons or not-for-profit  
18 agencies in order to fulfill State contract requirements.  
19 These guidelines shall include the following:

20 (i) The State Use Committee must approve all  
21 subcontracts and substantive amendments to subcontracts  
22 prior to execution or amendment of the subcontract.

23 (ii) A qualified not-for-profit agency shall not enter  
24 into a subcontract, or any combination of subcontracts, to  
25 fulfill an entire requirement, contract, or order without  
26 written State Use Committee approval.

1 (iii) A qualified not-for-profit agency shall make  
2 reasonable efforts to utilize subcontracts with other  
3 not-for-profit agencies for persons with significant  
4 disabilities.

5 (iv) For any subcontract not currently performed by a  
6 qualified not-for-profit agency, the primary qualified  
7 not-for-profit agency must provide to the State Use  
8 Committee the following: (A) a written explanation as to  
9 why the subcontract is not performed by a qualified  
10 not-for-profit agency, and (B) a written plan to transfer  
11 the subcontract to a qualified not-for-profit agency, as  
12 reasonable.

13 (Source: P.A. 102-343, eff. 8-13-21; 102-558, eff. 8-20-21.)

14 Section 20. The Business Enterprise for Minorities, Women,  
15 and Persons with Disabilities Act is amended by changing  
16 Section 2 as follows:

17 (30 ILCS 575/2)

18 (Section scheduled to be repealed on June 30, 2024)

19 Sec. 2. Definitions.

20 (A) For the purpose of this Act, the following terms shall  
21 have the following definitions:

22 (1) "Minority person" shall mean a person who is a  
23 citizen or lawful permanent resident of the United States  
24 and who is any of the following:

1 (a) American Indian or Alaska Native (a person  
2 having origins in any of the original peoples of North  
3 and South America, including Central America, and who  
4 maintains tribal affiliation or community attachment).

5 (b) Asian (a person having origins in any of the  
6 original peoples of the Far East, Southeast Asia, or  
7 the Indian subcontinent, including, but not limited  
8 to, Cambodia, China, India, Japan, Korea, Malaysia,  
9 Pakistan, the Philippine Islands, Thailand, and  
10 Vietnam).

11 (c) Black or African American (a person having  
12 origins in any of the black racial groups of Africa).

13 (d) Hispanic or Latino (a person of Cuban,  
14 Mexican, Puerto Rican, South or Central American, or  
15 other Spanish culture or origin, regardless of race).

16 (e) Native Hawaiian or Other Pacific Islander (a  
17 person having origins in any of the original peoples  
18 of Hawaii, Guam, Samoa, or other Pacific Islands).

19 (2) "Woman" shall mean a person who is a citizen or  
20 lawful permanent resident of the United States and who is  
21 of the female gender.

22 (2.05) "Person with a disability" means a person who  
23 is a citizen or lawful resident of the United States and is  
24 a person qualifying as a person with a disability under  
25 subdivision (2.1) of this subsection (A).

26 (2.1) "Person with a disability" means a person with a

1 severe physical or mental disability that:

2 (a) results from:

3 amputation,

4 arthritis,

5 autism,

6 blindness,

7 burn injury,

8 cancer,

9 cerebral palsy,

10 Crohn's disease,

11 cystic fibrosis,

12 deafness,

13 head injury,

14 heart disease,

15 hemiplegia,

16 hemophilia,

17 respiratory or pulmonary dysfunction,

18 an intellectual disability,

19 mental illness,

20 multiple sclerosis,

21 muscular dystrophy,

22 musculoskeletal disorders,

23 neurological disorders, including stroke and

24 epilepsy,

25 paraplegia,

26 quadriplegia and other spinal cord conditions,

1           sickle cell anemia,  
2           ulcerative colitis,  
3           specific learning disabilities, or  
4           end stage renal failure disease; and

5           (b) substantially limits one or more of the  
6           person's major life activities.

7           Another disability or combination of disabilities may  
8           also be considered as a severe disability for the purposes  
9           of item (a) of this subdivision (2.1) if it is determined  
10          by an evaluation of rehabilitation potential to cause a  
11          comparable degree of substantial functional limitation  
12          similar to the specific list of disabilities listed in  
13          item (a) of this subdivision (2.1).

14          (3) "Minority-owned business" means a business which  
15          is at least 51% owned by one or more minority persons, or  
16          in the case of a corporation, at least 51% of the stock in  
17          which is owned by one or more minority persons; and the  
18          management and daily business operations of which are  
19          controlled by one or more of the minority individuals who  
20          own it.

21          (4) "Women-owned business" means a business which is  
22          at least 51% owned by one or more women, or, in the case of  
23          a corporation, at least 51% of the stock in which is owned  
24          by one or more women; and the management and daily  
25          business operations of which are controlled by one or more  
26          of the women who own it.

1           (4.1) "Business owned by a person with a disability"  
2 means a business that is at least 51% owned by one or more  
3 persons with a disability and the management and daily  
4 business operations of which are controlled by one or more  
5 of the persons with disabilities who own it. ~~A~~  
6 ~~not for profit agency for persons with disabilities that~~  
7 ~~is exempt from taxation under Section 501 of the Internal~~  
8 ~~Revenue Code of 1986 is also considered a "business owned~~  
9 ~~by a person with a disability".~~

10           (4.2) "Council" means the Business Enterprise Council  
11 for Minorities, Women, and Persons with Disabilities  
12 created under Section 5 of this Act.

13           (4.3) "Commission" means, unless the context clearly  
14 indicates otherwise, the Commission on Equity and  
15 Inclusion created under the Commission on Equity and  
16 Inclusion Act.

17           (5) "State contracts" means all contracts entered into  
18 by the State, any agency or department thereof, or any  
19 public institution of higher education, including  
20 community college districts, regardless of the source of  
21 the funds with which the contracts are paid, which are not  
22 subject to federal reimbursement. "State contracts" does  
23 not include contracts awarded by a retirement system,  
24 pension fund, or investment board subject to Section  
25 1-109.1 of the Illinois Pension Code. This definition  
26 shall control over any existing definition under this Act

1 or applicable administrative rule.

2 "State construction contracts" means all State  
3 contracts entered into by a State agency or public  
4 institution of higher education for the repair,  
5 remodeling, renovation or construction of a building or  
6 structure, or for the construction or maintenance of a  
7 highway defined in Article 2 of the Illinois Highway Code.

8 (6) "State agencies" shall mean all departments,  
9 officers, boards, commissions, institutions and bodies  
10 politic and corporate of the State, but does not include  
11 the Board of Trustees of the University of Illinois, the  
12 Board of Trustees of Southern Illinois University, the  
13 Board of Trustees of Chicago State University, the Board  
14 of Trustees of Eastern Illinois University, the Board of  
15 Trustees of Governors State University, the Board of  
16 Trustees of Illinois State University, the Board of  
17 Trustees of Northeastern Illinois University, the Board of  
18 Trustees of Northern Illinois University, the Board of  
19 Trustees of Western Illinois University, municipalities or  
20 other local governmental units, or other State  
21 constitutional officers.

22 (7) "Public institutions of higher education" means  
23 the University of Illinois, Southern Illinois University,  
24 Chicago State University, Eastern Illinois University,  
25 Governors State University, Illinois State University,  
26 Northeastern Illinois University, Northern Illinois

1 University, Western Illinois University, the public  
2 community colleges of the State, and any other public  
3 universities, colleges, and community colleges now or  
4 hereafter established or authorized by the General  
5 Assembly.

6 (8) "Certification" means a determination made by the  
7 Council or by one delegated authority from the Council to  
8 make certifications, or by a State agency with statutory  
9 authority to make such a certification, that a business  
10 entity is a business owned by a minority, woman, or person  
11 with a disability for whatever purpose. A business owned  
12 and controlled by women shall be certified as a  
13 "woman-owned business". A business owned and controlled by  
14 women who are also minorities shall be certified as both a  
15 "women-owned business" and a "minority-owned business".

16 (9) "Control" means the exclusive or ultimate and sole  
17 control of the business including, but not limited to,  
18 capital investment and all other financial matters,  
19 property, acquisitions, contract negotiations, legal  
20 matters, officer-director-employee selection and  
21 comprehensive hiring, operating responsibilities,  
22 cost-control matters, income and dividend matters,  
23 financial transactions and rights of other shareholders or  
24 joint partners. Control shall be real, substantial and  
25 continuing, not pro forma. Control shall include the power  
26 to direct or cause the direction of the management and

1 policies of the business and to make the day-to-day as  
2 well as major decisions in matters of policy, management  
3 and operations. Control shall be exemplified by possessing  
4 the requisite knowledge and expertise to run the  
5 particular business and control shall not include simple  
6 majority or absentee ownership.

7 (10) "Business" means a business that has annual gross  
8 sales of less than \$150,000,000 as evidenced by the  
9 federal income tax return of the business. A firm with  
10 gross sales in excess of this cap may apply to the Council  
11 for certification for a particular contract if the firm  
12 can demonstrate that the contract would have significant  
13 impact on businesses owned by minorities, women, or  
14 persons with disabilities as suppliers or subcontractors  
15 or in employment of minorities, women, or persons with  
16 disabilities. Firms with gross sales in excess of this cap  
17 that are granted certification by the Council shall be  
18 granted certification for the life of the contract,  
19 including available renewals.

20 (11) "Utilization plan" means a form and additional  
21 documentations included in all bids or proposals that  
22 demonstrates a vendor's proposed utilization of vendors  
23 certified by the Business Enterprise Program to meet the  
24 targeted goal. The utilization plan shall demonstrate that  
25 the Vendor has either: (1) met the entire contract goal or  
26 (2) requested a full or partial waiver and made good faith

1 efforts towards meeting the goal.

2 (12) "Business Enterprise Program" means the Business  
3 Enterprise Program of the Commission on Equity and  
4 Inclusion.

5 (B) When a business is owned at least 51% by any  
6 combination of minority persons, women, or persons with  
7 disabilities, even though none of the 3 classes alone holds at  
8 least a 51% interest, the ownership requirement for purposes  
9 of this Act is considered to be met. The certification  
10 category for the business is that of the class holding the  
11 largest ownership interest in the business. If 2 or more  
12 classes have equal ownership interests, the certification  
13 category shall be determined by the business.

14 (Source: P.A. 101-601, eff. 1-1-20; 101-657, eff. 1-1-22;  
15 102-29, eff. 6-25-21; 102-1119, eff. 1-23-23.)

16 Section 25. The Minimum Wage Law is amended by changing  
17 Section 10 as follows:

18 (820 ILCS 105/10) (from Ch. 48, par. 1010)

19 Sec. 10. (a) The Director shall make and revise  
20 administrative regulations, including definitions of terms, as  
21 the Director ~~he~~ deems appropriate to carry out the purposes of  
22 this Act, to prevent the circumvention or evasion thereof, and  
23 to safeguard the minimum wage established by the Act.  
24 Regulations governing employment of learners may be issued

1 only after notice and opportunity for public hearing, as  
2 provided in subsection (c) of this Section.

3 (b) (Blank). ~~In order to prevent curtailment of~~  
4 ~~opportunities for employment, avoid undue hardship, and~~  
5 ~~safeguard the minimum wage rate under this Act, the Director~~  
6 ~~may also issue regulations providing for the employment of~~  
7 ~~workers with disabilities at wages lower than the wage rate~~  
8 ~~applicable under this Act, under permits and for such periods~~  
9 ~~of time as specified therein; and providing for the employment~~  
10 ~~of learners at wages lower than the wage rate applicable under~~  
11 ~~this Act. However, such regulation shall not permit lower~~  
12 ~~wages for persons with disabilities on any basis that is~~  
13 ~~unrelated to such person's ability resulting from his~~  
14 ~~disability, and such regulation may be issued only after~~  
15 ~~notice and opportunity for public hearing as provided in~~  
16 ~~subsection (c) of this Section.~~

17 (c) Prior to the adoption, amendment or repeal of any rule  
18 or regulation by the Director under this Act, except  
19 regulations which concern only the internal management of the  
20 Department of Labor and do not affect any public right  
21 provided by this Act, the Director shall give proper notice to  
22 persons in any industry or occupation that may be affected by  
23 the proposed rule or regulation, and hold a public hearing on  
24 the Director's ~~his~~ proposed action at which any such affected  
25 person, or the Director's ~~his~~ duly authorized representative,  
26 may attend and testify or present other evidence for or

1 against such proposed rule or regulation. Rules and  
2 regulations adopted under this Section shall be filed with the  
3 Secretary of State in compliance with "An Act concerning  
4 administrative rules", as now or hereafter amended. Such  
5 adopted and filed rules and regulations shall become effective  
6 10 days after copies thereof have been mailed by the  
7 Department to persons in industries affected thereby at their  
8 last known address.

9 (d) The commencement of proceedings by any person  
10 aggrieved by an administrative regulation issued under this  
11 Act does not, unless specifically ordered by the Court,  
12 operate as a stay of that administrative regulation against  
13 other persons. The Court shall not grant any stay of an  
14 administrative regulation unless the person complaining of  
15 such regulation files in the Court an undertaking with a  
16 surety or sureties satisfactory to the Court for the payment  
17 to the employees affected by the regulation, in the event such  
18 regulation is affirmed, of the amount by which the  
19 compensation such employees are entitled to receive under the  
20 regulation exceeds the compensation they actually receive  
21 while such stay is in effect.

22 (e) The Department may adopt emergency rules in accordance  
23 with Section 5-45 of the Illinois Administrative Procedure Act  
24 to implement the changes made by this amendatory Act of the  
25 101st General Assembly.

26 (Source: P.A. 101-1, eff. 2-19-19.)

1 (820 ILCS 105/5 rep.)

2 Section 30. The Minimum Wage Law is amended by repealing  
3 Section 5.

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.".